

PATENT
Attorney's Docket No. **RIC00007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) **Mail Stop AF**
Jarrett E. ARCHER et al.)
Application No.: 09/995,149) Group Art Unit: 2616
Filed: November 27, 2001)
For: COMMUNICATIONS SYSTEMS)
AND QSIG COMMUNICATIONS)
METHODS)
)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants respectfully request review of the Final Office Action, dated June 26, 2006, in view of the remarks below and in conjunction with the Notice of Appeal and Three Month Extension of Time filed concurrently with this request.

Remarks begin on page 2 of this paper.

REMARKS

In the Final Office Action, the Examiner rejects claims 26-29, 35-43, 45-48 and 51-54 under 35 U.S.C. § 103(a) as unpatentable over LAXMAN (U.S. Pub. No. 2003/0091032) in view of BENNAI (U.S. Pub. No. 2002/0031112); rejects claims 30-34 and 49-50 under 35 U.S.C. § 103(a) as unpatentable over LAXMAN and BENNAI and further in view of ABEL (U.S. Patent No. 6,950,426); and rejects claim 44 under 35 U.S.C. § 103(a) as unpatentable over LAXMAN and BENNAI and further in view of LAMPOLA (U.S. Patent Pub. No. 2003/0016681).

Applicants respectfully traverse these rejections. Claims 26-54 remain pending.

Claims 26-29, 35-43, 45-48 and 51-54 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over LAXMAN in view of BENNAI. Applicants respectfully traverse this rejection.

Independent claim 26 is directed to a method comprising receiving, via a first network access device, a communication comprising a content portion and a signaling portion in accordance with a QSIG access protocol; encapsulating the content portion and the signaling portion of the communication via the first network access device to provide a plurality of respective content packets and signaling packets; transmitting the signaling packets from the first network access device to a control component via the data network; establishing, via the control component, a connection within the data network between the first network access device and a second network access device in response to receiving the signaling packets; and communicating the content packets from the first network access device to the second network access device over the established connection. Applicants respectfully submit that LAXMAN and BENNAI, whether taken alone or in combination, do not disclose or suggest this combination of features.

For example, LAXMAN and BENNAI do not disclose or suggest receiving, via a first network access device, a communication comprising a content portion and a signaling portion in accordance with a QSIG access protocol, as recited in claim 26. The Examiner admits that LAXMAN does not disclose this feature (Final Office Action pg. 4). The Examiner relies on section [11] of BENNAI (Final Office Action pg. 4) for allegedly disclosing this feature. Applicants respectfully disagree with the Examiner's interpretation of BENNAI.

Section [11] of BENNAI teaches applying a QSIG-GF standard header to encapsulate a received signal. The protocols of the received signals in BENNAI are ISDN protocol signals, not QSIG protocol signals. As recited in section [7] of BENNAI, "The invention solves this problem by converting the signaling data produced by the exchange in the standard ISDN format into signaling data in a format accepted by the channel." As BENNAI does not actually receive QSIG access protocol signals, BENNAI cannot disclose or suggest receiving, via a first network access device, a communication comprising a content portion and a signaling portion in accordance with a QSIG access protocol, as recited in claim 26.

LAXMAN and BENNAI also do not disclose or suggest encapsulating the content portion and the signaling portion of the communication via the first network access device to provide a plurality of respective content packets and signaling packets, as recited in claim 26. The Examiner admits that LAXMAN does not disclose this feature (Final Office Action pg. 4). The Examiner relies on section [28] of BENNAI (Final Office Action pg. 4) for allegedly disclosing this feature. Applicants respectfully disagree with the Examiner's interpretation of BENNAI.

Section [28] of BENNAI teaches encapsulating ISDN signals with QSIG type headers.

This section of BENNAI does not disclose or suggest encapsulating QSIG signals. As set forth above, the recited content portion and signaling portions of the received communication are defined to be in QSIG access protocols. Therefore, as BENNAI does not receive a communication comprising a content portion and a signaling portion in accordance with a QSIG access protocols, BENNAI cannot disclose or suggest encapsulating the content portion and the signaling portion of the communication via the first network access device to provide a plurality of respective content packets and signaling packets, as recited in claim 26.

For at least the foregoing reasons, Applicants submit that claim 26 is patentable over LAXMAN and BENNAI, whether taken alone or in any reasonable combination.

Independent claims 29, 35, 40, 45 and 51 recite features similar to, but of different scope than, claim 26. For reasons similar to those discussed above with respect to claim 26, Applicants submit that claims 29, 35, 40, 45 and 51 are patentable over LAXMAN and BENNAI, whether taken alone or in any reasonable combination. Further, independent claim 29 recites establishing a B channel connection, where by contrast, BENNAI discloses not establishing B channel connections. For example, sections [11] and [28] of BENNAI respectively disclose “The invention therefore starts by setting up a call with no B channel...” and “The call is set up with no B channel...”. Therefore, the disclosure of BENNAI teaches directly away from the features of claim 29. The disclosure of BENNAI also teaches directly away from the disclosure of LAXMAN (that utilizes B channel connections), hence it would not be obvious to combine the disclosures of LAXMAN and BENNAI. Accordingly, withdrawal of the rejection and allowance of claims 29, 35, 40, 45 and 51 are respectfully requested.

PATENT
U.S. Patent Application No. 09/995,149
Attorney's Docket No. RIC00007

Dependent claims 27, 28, 36-39, 41-43, 46-48 and 52-54 depend from claims 26, 29, 35, 40, 45 and 51. Therefore, these claims are allowable for at least the reasons as set forth above.

Dependent claims 30-34 and 49-50 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over LAXMAN in view of BENNAI, and further in view of ABEL (U.S. Patent No. 6,950,426).

Dependent claim 44 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over LAXMAN in view of BENNAI, and further in view of LAMPOLA (U.S. Pub No. 2003/0016681). Applicants respectfully traverse these rejections.

The disclosures of ABEL and LAMPOLA do not remedy the deficiencies in the disclosures of LAXMAN and BENNAI as discussed above with respect to the independent claims. Accordingly, withdrawal of the rejections and allowance of claims 30-34, 44 and 49-50 are respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,
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